

Virginia Board of Counseling

Minutes

August 22, 2003

TIME AND PLACE: The meeting was called to order at 10:12 a.m. on August 22, 2003 in conference room 1 of the Department of Health Professions, 6603 W. Broad Street, 5th floor, Richmond, Virginia.

PRESIDING: Janice F. McMillan, Ph.D., Chair of the Board presided.

MEMBERS PRESENT: Mary Lou Argow
Abigail C. Barnes
Barbara M. Chrisley, Ph.D.
Timothy E. Clinton, Ed.D.
Kevin S. Doyle, Ed.D.
Maurice Graham, D.Min.
Howard R. King. Jr. Ph.D.
Jack Knapp. D. D.
Karen H. Rosen Ed.D.
Lynnette L. Shadoan
Pamela Siegel

Natale A. Ward

MEMBERS ABSENT: Alan W. Forrest, Ed.D.

STAFF PRESENT: Evelyn B. Brown, Executive Director
Benjamin Foster, Deputy Executive Director
Joyce D. Williams, Administrative Assistant
Howard Casway, Esq. Assistant Attorney General
Gail Jaspen, Chief Deputy Director

PUBLIC COMMENT:

There was no public comment.

APPROVAL OF MINUTES:

The minutes of May 16, 2003 were approved.

CHAIR:

Dr. McMillan introduced new Board members Mary Lou Argow and Karen H. Rosen.

Dr. McMillan appointed committee assignments. The updated committee assignments are attached as part of the minutes.

Dr. McMillan advised Board members to contact the Executive Director before giving presentations on behalf of the Board to assure that information that is being presented is accurate.

Ms. Brown emphasized that members of the Board should not give information to the press. If approached by the press members should refer them to the Board of Counseling office.

EXECUTIVE DIRECTOR:

Legislation

Ms. Jaspen reported that the Joint Legislative Audit and Review Commission (JLARC) is recommending eliminating boards and committees. Ms. Brown reported that a Subcommittee will meet on September 16th to review the following boards and committees associated with two of the behavioral science boards for consideration of elimination:

Advisory Committee on Certified Practices

Psychological Practices Audit Committee

Advisory Board on Rehabilitation Providers,

Ms. Brown distributed legislation that became effective July 1, 2003 that would be of interest to the behavioral science boards.

Ms Jaspen reported on HB1441. Ms. Jaspen reported that HB1441 was enacted to do three things:

- 1 Lower standards that would result in disciplinary action before the Board of Medicine.
2. Impose new requirements for hospitals and health care institutions to report practitioners to the health regulatory boards.
3. Give all health regulatory boards a new tool for resolving disciplinary matters, which is called a confidential consent agreement (CCA). The CCA is to be used in lieu of disciplinary action and will be confidential. The Boards will establish when and how to use a CCA to resolve less consequential cases.

The behavioral science boards' presidents will meet jointly to begin to develop guidelines for consistent CCAs among those boards on September 12th.

Mr. Casway reported on Section 54.1-2400.8 – Immunity for Reporting for the Board's information.

Ms. Brown informed the Board that a law is in effect that authorizes the Department of Health Professions to collect emergency contact information on certain licensed certified or registered persons. This information will be provided only to the Department of Health.

MEMBER HANDBOOK:

Mr. Foster reviewed the Member Handbook with the Board members. Dr. McMillan emphasized that Board members should bring the book to each Board meeting.

COMMITTEE REPORTS:

Discipline

Ms. Shadoan reported that the Board has 18 complaints in Enforcement and six cases at Board level. She further reported that three cases are in the Administrative Proceeding Division for preparation of a notice of informal

conference, five cases are being monitored by the Compliance Division, no informal conferences have been held since the last Board meeting, and one consent order is to be ratified by the Board today.

A motion was made by Ms. Shadoan and properly seconded that the Board go into closed session in accordance with Code of Virginia §2.2-3722.A.28.

The Board reconvened in open session. Ms. Shadoan certified that the Board discussed only items exempt from the Freedom of Information Act while in closed session.

A motion was made By Dr. Knapp and seconded by Dr. Clinton that the Board approve the consent order for Samuel Johnson.

Examination

Dr. Hughes reported on the following examinations:

CSAC EXAM ADMINISTERED ON APRIL 26, 2003

- 67 WERE EXAMINED
- 57 (85%) PASSED
- 10 (5%) FAILED

CCMHC EXAM FOR THE LPC ADMINISTERED ON APRIL 12, 2003:

- 54 WERE EXAMINED
- 45 (83%) PASSED
- 9 (17%) FAILED

THE CCMHC EXAM FOR THE LPC ADMINISTERED ON JULY 12, 2003:

- 26 WERE EXAMINED
- 18 (69%) PASSED
- 8 (31%) FAILED

THE MFT EXAM ADMINISTERED ON JUNE 11, 2003:

- 1 WAS TESTED AND PASSED

Credentials

Dr. King reported on the credentials reviewed at the Credentials Committee meeting held on June 6, 2003 and August 21, 2003. The report is attached as part of the minutes.

Regulatory/Supervision/Legislation

Dr. McMillan reported that the Board is still waiting to finalize the regulations for continuing education. Currently those regulations are still in the Governor's office.

Dr. McMillan reported that a NOIRA will be submitted to begin the process to update the Standards of Practice. There will be subcommittee to study the Standards of Practice to include Robert Pate from The University of Virginia Charles Gressard from William and Mary, Lynnette Shadoan and herself.

Dr. McMillan also recommended that the members keep the draft of the standards of requirements for supervisors in their Member Handbook to refer to when the Board begins to develop regulations for supervisors.

The Board reviewed a draft on policies and procedures for portability developed by the American Association of State Counseling Boards (AASCB).

A motion was made by Dr. Knapp and seconded by Ms. Argow that the Board endorse the concept of portability and urge AASCB to move forward, as well as authorize the Board of Counseling's Regulatory Committee to move forward with the details to develop standards for equivalencies.

OLD BUSINESS:

There was no old business to come before the Board.

NEW BUSINESS:**Virginia Association of Clinical Counselors (VACC)**

Dr. McMillan read a letter from VACC that informed the Board that this organization was separating from the Virginia Counseling Association (VCA).

Election of Vice Chair

A motion was made by Ms. Barnes and seconded by Ms. Shadoan to nominate Dr. Knapp for vice chair. The motion was unanimously approved.

2004 Meeting Dates:

The Board will meet February 19-20, 2004. The meeting dates for May, August, and November will be set at the November 2003 Board meeting.

LMFT Portability:

A motion was made by Dr. Graham and seconded by Dr. Rosen that the Regulatory Committee pursue portability for Licensed Marriage and Family Therapists. The motion did not pass.

Nine did not approve: Ms. Barnes, Ms. Chrisley, Dr. Clinton, Mr. Doyle, Ms. Shadoan, Ms. Siegel, and Ms. Ward.

Three abstained: Ms. Argow, Dr. King. And Dr. Knapp.

The meeting adjourned at 1:20 p.m.

Janice F. McMillan, Ph.D. Chair

Evelyn B. Brown, Executive Director

